

**ARKANSAS DEPARTMENT OF EDUCATION
NEW ADMINISTRATIVE REGULATION**

NUMBER: ADE 126

TITLE: Limited Charter Schools

EFFECTIVE DATE: September 14, 2001

STATUTORY AUTHORITY: Ark. Code Ann. § 6-23-206, §6-11-105 and Act
1311 of 2001

NECESSITY AND FUNCTION: To establish the requirements and
procedures for the application of a limited
charter school and for monitoring a school
once it has been granted a limited charter.

PAGES FILED: ADE 126-1 through ADE 126-7

Raymond Simon, Director
Arkansas Department of Education

PROMULGATION DATE: August 13, 2001

CONTACT PERSON: Randall Greenway
#4 Capitol Mall, Room 404-A
Little Rock, AR 72201
501-682-2009

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Education
DIVISION Central Administration
DIVISION DIRECTOR Dr. Woodrow Cummins
CONTACT PERSON Mr. Randall Greenway
ADDRESS 4 Capitol Mall Room 404-A
PHONE NO. 501-682-2009 FAX NO. 501-682-2534

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after ☐ Short Title of this Rule ☐ below.
- D. Submit two (2) copies of this questionnaire attached to the front of two (2) copies of your proposed rule and mail or deliver to:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule? **Rules and Regulations Governing Limited Charter Schools**
- 2. What is the subject of the proposed rule? **To set forth the procedure for application and requirements for establishing a limited charter school.**
- 3. Is this rule required to comply with federal statute or regulations?
Yes _____ No **XX** _____

If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedures Act? Yes _____ No **XX** _____
If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the regular provisions of the Administrative Procedure Act? Yes _____ No _____

5. Is this a new rule? Yes XX No _____

Does this repeal an existing rule? Yes _____ No XX

If yes, please provide a copy of the repealed rule.

Is this an amendment to an existing rule? If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes.

6. What state law grants the authority for this proposed rule? If codified, please give Arkansas Code citation. **Section 9 of Act 1311 of 2001**

7. What is the purpose of this proposed rule? Why is it necessary? **It is necessary to establish the requirements and procedures for the application of a limited charter school.**

8. Will a public hearing be held on this proposed rule? Yes XX No _____
If yes, please give the date, time, and place of the public hearing.
July 18, 2001 @ 10A Auditorium - Arch Ford Building

9. When does the public comment period expire?
July 31, 2001

10. What is the proposed effective date of this proposed rule?
August 13, 2001

11. Do you expect this rule to be controversial? Yes _____ No XX
If yes, please explain.

12. Please give the names of persons, groups, or organizations which you expect to comment on these rules. Please provide their position (for or against) if known.

**Arkansas School Board Association
Arkansas Education Association
Arkansas Association of Educational Administrators**

DEPARTMENT Education
DIVISION Central Administration
PERSON COMPLETING THIS STATEMENT Randall Greenway
TELEPHONE NO. 501-682-2009 FAX NO. 501-682-2534

FINANCIAL IMPACT STATEMENT

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rules and Regulation Governing Limited Charter Schools

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes _____ No XX

2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

1997-98 Fiscal Year

1998-99 Fiscal Year

General Revenue	_____	General Revenue	_____
Federal Funds	_____	Federal Funds	_____
Cash Funds	_____	Cash Funds	_____
Special Revenue	_____	Special Revenue	_____
Other	_____	Other	_____
Total	_____	Total	_____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation?

1997-98 Fiscal Year

1998-99 Fiscal Year

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

1997-98 Fiscal Year

1998-99 Fiscal Year

DEPARTMENT OF EDUCATION
FISCAL IMPACT STATEMENT
OF PROPOSED REGULATION
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title: **Limited Charter Schools**

Summary Description of Regulatory Proposal: **To establish the requirements
and procedures for the application for a limited charter school.**

Cite Statutory Authority for this Regulatory Proposal:

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring)
 - A. Resources Required - Personnel, equipment, office space.
 - B. Time Required for Implementation.
 - C. Procedural Changes.
 - D. Other.
- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring)
 - A. Resources Required - Personnel, equipment, office space.
 - B. Time Required for Implementation.
 - C. Procedural Changes.
 - D. Other.
- III. Additional Comments.

Prepared by: (Name) **Randall Greenway**
 (Title) **Charter School Liaison**
 (Date) **6-11-01**

**ARKANSAS DEPARTMENT OF EDUCATION
RULES AND REGULATIONS
GOVERNING LIMITED CHARTER SCHOOLS**

Approved August 13, 2001

1.00 Regulatory Authority

- 1.01 These rules and regulations shall be known as the Arkansas Department of Education Rules and Regulations Governing Limited Charter Schools.
- 1.02 The State Board of Education enacted these rules and regulations pursuant to its authority under ACA §6-11-105, ACA §6-23-206, and Act 1311 of 2001.

2.00 Purpose of Regulations

- 2.01 The purposes of these regulations are to implement Act 1311 of 2001, Section 9, and to establish the requirements and procedures for the application of a limited charter school and for monitoring a school once it has been granted a limited charter by the State Board of Education.

3.00 Definitions

For the purpose of these rules and regulations:

- 3.01 “Limited Charter School” is defined as a public school operating under the terms of a charter approved by the State Board of Education for the purposes of implementing an alternative comprehensive staffing and compensation program designed to enhance student and teacher performance and improve employee salaries, opportunities, and incentives.
- 3.02 “Application” is defined as the document presented to the State Board of Education requesting to enter into a charter that describes the school and provides all of the information required by law and the Department of Education. The term application shall be synonymous with the term petition, and the terms are interchangeable throughout these rules and regulations as used in Act 1311 of 2001.
- 3.03 “Letter of Intent” is defined as a written notice submitted to the Department of Education Charter School Office that a public school district intends to file a limited charter school application. Such letter of intent shall be submitted on forms provided by the Department of Education.

4.00 Observance of Anti-Discrimination Laws

- 4.01 All limited charter schools shall observe and comply with all anti-discrimination law, both federal and state.

- 4.02 For the purposes of the Individuals with Disabilities Education Act (IDEA) and these rules and regulations, all limited charter schools are responsible for ensuring that the requirements of IDEA are met.
- 4.03 For the purposes of Section 504 of the Rehabilitation Act and these rules and regulations, all limited charter schools are responsible for ensuring that the requirements of Section 504 are met.

5.00 Application Process, Schedule, Forms and Technical Assistance

- 5.01 A procedure for establishing a limited charter school shall be published by the Department of Education, as approved by the State Board of Education. All dates and requirements in the procedures for establishing a limited charter school shall be strictly followed by the charter applicant.
- 5.02 Application forms and other documents needed for the limited charter school application process shall be provided by the Department of Education.
- 5.03 Any requests for technical assistance by a charter applicant shall be made to the Department of Education Charter School Office.

6.00 Limited Charter School – Application Approval Procedures

- 6.01 Each limited charter applicant must submit, by certified mail on or before the established deadline, to the Department of Education Charter School Office a letter of intent signed by the school board president.
- 6.02 Each limited charter applicant shall prepare an application that describes the elements of the applicant's plan for establishing a limited charter school. The application shall be on a form provided by the Department of Education. Technical assistance in preparing the application may be requested from the Department of Education Charter School Office.
- 6.03 The application shall be reviewed by the local board of the public school district as a regular agenda item at their local board meeting. The local board shall vote to approve or disapprove the application. If approved, the local board shall forward the application with sufficient written proof of the local boards' approval of the application to the State Board of Education.

7.00 Responsibilities of the State Board of Education – Limited Charter Schools

- 7.01 The State Board shall not approve a limited charter school application from a district that has not been approved by the district's local board.
- 7.02 The Department of Education shall review the application and present to the State Board a written evaluation of the application. A copy of the evaluation shall be sent to the applicant. The applicant will be allowed to submit a written response

to the evaluation by an established deadline. The applicant will not be allowed to supplement the original application with additional documents or new information prior to the State Board review.

- 7.03 The State Board shall review the applications for proposed limited charter schools. The State Board shall vote whether or not to award charters to locally approved applications. The State Board may place conditions on the charters it awards.
- 7.04 The State Board of Education may defer the vote to approve or disapprove a limited charter application in order to allow a limited charter applicant to make modifications or receive technical assistance to correct deficiencies in the application.
- 7.05 The decision of the State Board of Education shall be final.

8.00 Content of Application and Charter

- 8.01 The limited charter school application shall include, but is not limited to the following:
 - 8.01.01 identification of the rules and regulations and the provisions of Title 6 of the Arkansas Code, if any, to be waived, with rationale for wavier request as allowed by Act 1311 of 2001;
 - 8.01.02 description of a plan for school improvement that addresses how the school will improve student learning and meet the state education goals;
 - 8.01.03 description of how the certified employees at the limited charter school will be involved developing and implementing the school improvement plan and in identifying performance criteria; and
 - 8.01.04 description of the performance criteria that will be used during the initial three-year period of the charter to measure the progress of the limited charter school in improving student learning and meeting or exceeding the state education goals.
- 8.02 In addition to the requirements identified in section 8.01, an application for a limited charter school shall include, but is not limited to, the following:
 - 8.02.01 description of admission, enrollment criteria and student selection processes, including a provision for a random, anonymous student selection method if more eligible students apply for a first-time admission than the limited charter school is able to accept, except as allowed for in Act 463 of 2001;

- 8.02.02 a statement that the school district will not discriminate in admission on the basis of gender, national origin, race, ethnicity, religion, disability, academic or athletic eligibility, although the charter may provide for the exclusion of a student who has been expelled from another public school district;
- 8.02.03 A limited charter school located in a school district under court ordered desegregation may use a weighted lottery in the student selection process in accordance with Act 463 of 2001; and
- 8.02.04 a statement that the school district will not discriminate on the basis of race, sex, national origin, ethnicity, religion, age, or disability in employment decisions including hiring and retention of administrators, teachers, and other employees.

9.00 Enrollment

- 9.01 Enrollment for a limited charter school will be determined in the manner similar to the enrollment procedures for the school district in which the limited charter school is located.
- 9.02 If more eligible students apply for admission than the limited charter school is able to accept, then the limited charter school shall create an enrollment process based upon a random anonymous student selection method, except as allowed for in Act 463 of 2001.
- 9.03 While a limited charter school may operate on a traditional calendar or a year-long calendar, all limited charter schools shall begin the school year in the fall.

10.00 Funding

- 10.01 A limited charter school shall receive funds equal to the amount apportioned by the district from state and local revenue per average daily membership.
- 10.02 The Department of Education shall establish procedures to ensure that every limited charter school receives the Federal funds for which the limited charter school is eligible.
 - 10.02.01 The Department of Education shall take such measures as necessary to ensure that a limited charter school receives the federal funds for which the school is eligible not later than five (5) months after the limited charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in the limited charter school are not fully and completely determined until that limited charter school actually opens.

- 10.02.02 The measures shall also ensure that every limited charter school expanding its enrollment in any subsequent year of operation receives the federal funding for which the limited charter school is eligible not later than five (5) months after such expansion.
- 10.03 The submission of an annual certified audit as required by ACA §6-23-101 et seq. shall be made according to Arkansas Law and to the Department of Education fiscal regulations and time lines. Failure to submit such audit in a timely manner would result in suspension of state aid payments until such audit is received by the Department of Education. The school's fiscal year shall run from July 1 through June 30.

11.00 Evaluation, Monitoring and Reporting Requirements of Limited Charter Schools

- 11.01 The Arkansas Department of Education shall conduct an annual evaluation of all limited charter schools, which shall include, but not be limited to, consideration of the following:
 - 11.01.01 student scores on assessment instruments; and
 - 11.01.02 other terms of the school's charter.
- 11.02 As a condition of its charter, each limited charter school is required to provide an annual report to parents, the community, and the State Board that details its progress in meeting its academic performance objectives.
- 11.03 Each limited charter school will participate in the Arkansas Public School Computer Network reporting requirements.
- 11.04 Each limited charter school shall provide to the Department of Education the same data required of other public schools, unless such data requirement is waived by the terms of the charter.

12.00 Basis and Procedure for Charter Modification, or Limited Charter School Probation, Revocation, or Denial of Renewal.

- 12.01 The State Board may modify the charter of a limited charter school or it may place a limited charter school on probation or revoke its charter or deny renewal of its charter at any time the Board deems it necessary to do so.
- 12.02 The State Board shall notify the superintendent of the sponsoring school district of the alleged violation of the school's charter or of the offense in question. The notice shall include the State Board's proposed action. The notice shall be delivered by certified mail to the superintendent of the school district where the limited charter school is located.

- 12.03 The superintendent of the school district where the limited charter school is located, on behalf of the limited charter school, may request, in writing, a hearing before the State Board.
- 12.04 The State Board shall hold a hearing, if requested, within forty-five (45) calendar days of receipt of the hearing request.
- 12.05 The hearing shall be held at the facility at which the limited charter school is located.
 - 12.05.01 Notice of the hearing shall be provided to the superintendent and the president of the local school board of the school district where the limited charter school is located.
 - 12.05.02 The hearing shall be open to the public.
- 12.06 The decision of the State Board shall be final.

13.00 Impact on Desegregation Efforts

- 13.01 The petitioners of each application for a proposed limited charter school must include a written evaluation describing the potential impact on the efforts of a public school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.
- 13.02 The local board shall also prepare a written evaluation of the potential impact the proposed limited charter school will have on the efforts of the school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools. This evaluation shall be forwarded to the State Board.
- 13.03 Each application for a proposed limited charter school shall be examined for its effect on the minority and majority percentages of student enrollment in the public school districts within the limited charter school's proposed population outreach.
- 13.04 The Department of Education shall compute the minority and majority percentages of each county's public school population and shall then compute the acceptable range of variance from those percentages for school districts within each county from which the limited charter school will receive students.
- 13.05 Each application for a proposed limited charter school shall be reviewed for its effect on these percentages that may be caused by:
 - 13.05.01 the proposed limited charter school's proposed population range;

- 13.05.02 the size of the individual limited charter school;
 - 13.05.03 the type of student population to be served; and
 - 13.05.04 the proximity of a proposed limited charter school to an existing school district under desegregation obligations.
- 13.06 Each application for a proposed limited charter school shall be reviewed for program and services as compared to the program and service requirements of the districts under the desegregation order.
- 13.07 Technical assistance in this review may be provided by the Department of Education's Section on Accountability and its unit on Desegregation Monitoring.